

JOHN P. NOLLETTE
Attorney at Law
1403 W. BROADWAY AVE.
SPOKANE, WA 99201
Ph: (509) 701-0566

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) No. CR-09-172-LRS-1
v.) SENTENCING MEMORANDUM
CLINTON L. HALBERT,) OF CLINTON HALBERT
Defendant.)

Clint Halbert was born in 1945, into a hard working, professional family in the small town of Shelton, Washington, near the state capitol, Olympia.



Clint Halbert, front right, with his family; sister, Jackie, mother, Vivian, brother, Rolla, dad, Rolla, brother, Sheridan and Clint. 1950

1 His dad was a judge in Mason County, Washington, for many years.
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3 His mother was a kind, honest, intelligent woman who helped support their
4 family with her business as an interior designer.

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8 Clint Halbert, age 10
9 1955
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15 Clint has an older sister and two older brothers, all with college degrees and
16 successful careers.
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18 Clint did well in high school, graduating with honors.
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20 Clint Halbert
21 Reed High School
22 1963
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1 His real passion revealed itself in Junior High when he built his first
2 racing go-cart. He was absolutely enthusiastic about learning to weld,
3 learning how to use the tools to fabricate and modify chassis and engines and
4 compete in racing events. He inherited his first car from his brother when he
5 went off to college, a '29 Ford Roadster. Clint spent every spare minute
6 rebuilding the car. When it was inspected by the state patrol and approved
7 for the road, he was ecstatic. This love of metal work shows how later in life
8 Clint was able to support himself and family as a metal worker and
9 mechanic, designing and building stoves, cattle guards and all sorts of
10 machinery.

11 In 1963, Clint Halbert entered the University of Washington with a
12 plan to pursue a career in engineering. When his high-school sweetheart
13 became pregnant, their lives changed dramatically. Clint and Rosemary
14 married and moved to the low-rent district of Seattle where they raised their
15 baby son, Eric. Clint continued at UW sporadically, taking frequent breaks
16 to work at Boeing to improve his new family's standard of living. After four
17 years of struggling with work and summer classes, Clint's wife convinced
18 him to move with her and my son into community living with the Love
19 Family. Clint was opposed to this move but did not want to be separated
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1 from his young son. Rosemary, his wife, had fallen under the spell of the
2 leader of the Love family and was smitten. She and Paul Erdman, who
3 called himself Love Israel, carried on an affair under the nose of Clint and
4 strained the marriage to the breaking point. It was not the lifestyle he
5 wanted for his family but Rosemary would not leave. Eventually he left his
6 wife and son and separated himself from the Love family.
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8 Soon after, Clint met Perrieann Ewing. The two lived together for
9 years and had three children together. After nearly ten years, he divorced
10 Rosemary and married Perrieann to give his children the Halbert name.
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21 Elizabeth, Rebecca and Wright
22 Halbert
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For most of the next 20 years he supported his family by doing
mechanical and metal fabrication work, building custom wood stoves, cattle
guards, and all sorts of heavy equipment manufacture and repair. Wanting

1 to improve his family's standard of living he tried sales and worked several
2 years in Quality Assurance with Tree Top Apple Juice in Selah, WA. After
3 three years with Tree Top, his oldest brother offered him a job as winery
4 manager in Sunnyside, WA. In 1988, he became the winery manager at the
5 winery his brother and his partners started. He continued to work to help
6 support his family, but it was not a happy time; he was abusing alcohol and
7 this created problems in the marriage. Clint's brother and his partners went
8 bankrupt and he lost his job and ultimately his wife, family and home.
9

10 After 21 years together, Clint divorced again, leaving Perrieann with the
11 children although he continued to financially support them. These were
12 tough times and he barely made it through his personal depression. He
13 moved back to the coast and filed bankruptcy. He got a job as a shop
14 foreman at a fencing company and lived with his best friend and junior high
15 buddy, George Johnson, in Olympia, WA.
16

17 Clint's parents were in their 80's and both had multiple health
18 problems. His dad was suffering from dementia and his mother fell and
19 broke her knee. Clint moved to Shelton, to be his parents' live-in caregiver.
20 His father died soon after and Clint continued to care for his mother. His
21 siblings were busy with their lives and Clint was the only one to take care of
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23

1 his mother. His mom and dad had invested wisely during their lifetime and
2 after his dad's passing, she gave large monetary gifts to Clint's siblings
3 between 1995 and 1999.
4

5 His mother, Clint and Clint's youngest daughter, Elizabeth, would
6 take road trips to the Lake Roosevelt area to visit friends. During one of
7 these trips, his mother found property for sale. She had in mind that she
8 wanted Clint to be alright when she passed away. Therefore, in 1993, she
9 purchased the property in Kettle Falls, Washington, where Clint has lived
10 full time since 2000, and gave it to Clint as a gift, calling it part of his
11 inheritance. She also purchased the outbuildings on the property and all of
12 the tools, equipment, furnishings as well as many antiques plus a large
13 amount of cash given to Clint over the period of 1992 – 1999. She did this,
14 she said, to repay Clint for taking care of her and his dad for many years.
15 Clint began construction on a pole barn/shop and went often to oversee the
16 construction.
17

18 In 1998 Clint's oldest son, Eric, whom he had not had a close
19 relationship with after leaving him with his first wife and the Love Family,
20 asked he could live at the home in Kettle Falls with his wife and five
21 children. Clint felt he needed to help him get back on his feet and was happy
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1 to let him and his large family live in the pole barn. However, after a year or
2 so of him living there, Clint found out Eric was addicted to heroin. Eric had
3 built a Y2K structure he called a root cellar. Eric began growing marijuana
4 in the root cellar. When Clint learned of this, he told Eric to move out and
5 that he couldn't help him anymore – he had to help himself. Eric's wife and
6 children left him and moved to Montana. Eric became despondent and asked
7 time after time for help from Clint but, from experience, Clint knew Eric had
8 to help himself. Eric finally moved to Arlington, Washington, to be near the
9 Love family and the life-style he had grown up with. Clint cautioned Eric
10 that their influence was not going to help him with his drug habit and
11 depression. Only a few short weeks after Eric moved back to the Love
12 family, Clint received a telephone call that Eric had died of a self-inflicted
13 gun shot wound. To this day Clint still feels guilt for his son's untimely
14 death and blames the Love family's influence.
15

16 After his son's suicide in 1999 and his mother's death in 2000, Clint's
17 depression became nearly unbearable. He moved to the Kettle Falls property
18 and spent most of his time alone in the barn/home and drank to excess. He
19 built wood stoves, cattle guards, deer guards and worked on auto, truck and
20 heavy equipment in his shop to help neighbors and make a little money. He
21

1 also used the bulldozer his mom bought him and the backhoe he purchased
2 with a neighbor to clear homesites and put in septic tanks and waterlines. He
3 netted almost nothing from this work but his mother had left him well
4 provided for financially.

5 Clint's youngest son, Wright, with whom he did not have a close
6 relationship because of the messy divorce from his mother, Perrieanne,
7 asked if he could live on the property in Kettle Falls. Clint felt guilty that
8 the two did not have a better relationship and he was Clint's only surviving
9 son. Clint decided to sell him a ten percent interest in the 26 acres on which
10 he lives, which Wright paid him for from an inheritance from his grandfather
11 on his mother's side. Wright began building a home on the property but
12 their relationship could not be repaired. The two lived separate lives and
13 rarely saw or spoke to each other.

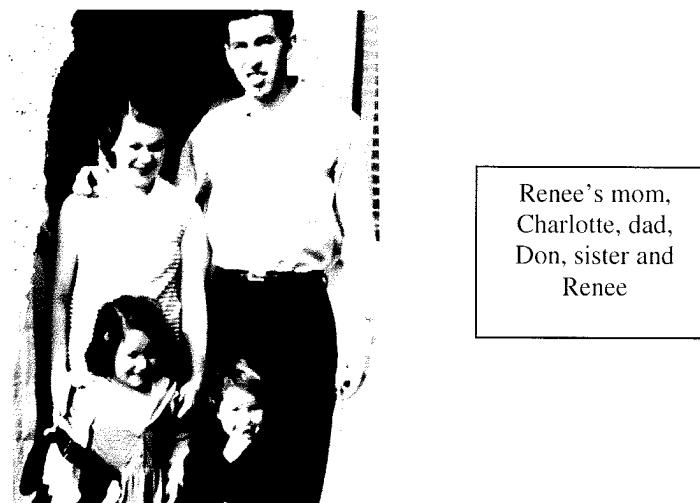
14 In 2005, in a chance meeting with a young woman, Clint got to know
15 the woman's mother, Christine Renee Delk. Renee and Clint quickly
16 became friends over the phone and they talked often. The two discovered
17 Clint's mother and Renee's mother had been close friends and that
18 connection solidified Renee's and Clint's relationship. Clint invited Renee
19 and her daughter to his 60th birthday get-together in Kettle Falls. Renee and
20

1 Clint became even closer after the visit.



10 Clint learned of her horrific botched by-pass surgery, the loss of her stomach
11 and intestines and the forty or more surgeries she underwent to try to repair
12 the damage done by a doctor at Oregon Health Sciences University in
13 Portland, Oregon. She told Clint she had already out-lived the doctor's
14 predictions of her life expectancy.

15 Christine Renee Delk, who is known as Renee, was born in 1954, the
16 second of four daughters.



1
2 Renee contracted polio from the polio vaccine when she was a toddler,
3
4 leaving her left side partially paralyzed and compromising her left foot and
5 left leg. The disease weakened her lungs and she spent much of her
6 childhood sick with pneumonia and bronchitis. Even today her post-polio
7 syndrome is evident in her left side with an out-turned left foot and a limp.
8
9 Her undiagnosed dyslexia in grade school caused her to be placed in special
10 education classes. Her speech, reading and writing were affected by the
11 dyslexia and she was mercilessly teased by her peers in grade school. Renee
12 overcame much of the problems of childhood and teen years, married and
13 had two daughters. The marriage didn't last and Renee raised her two
14 daughters on her own.
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17 In 1991 Renee's car was hit broadside by a truck hauling a backhoe.
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19 Both legs were broken along with two of her ribs. She was placed into a hip
20 cast on the left side and thigh high cast on the right. Her doctors predicted
21 she might not walk again but, with hard work and a strong will, she took her
22 first steps a year later.
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24 At age 39 Renee enrolled in college. Dyslexia was much more
25 understood by then and she decided to pursue a career in interior design to
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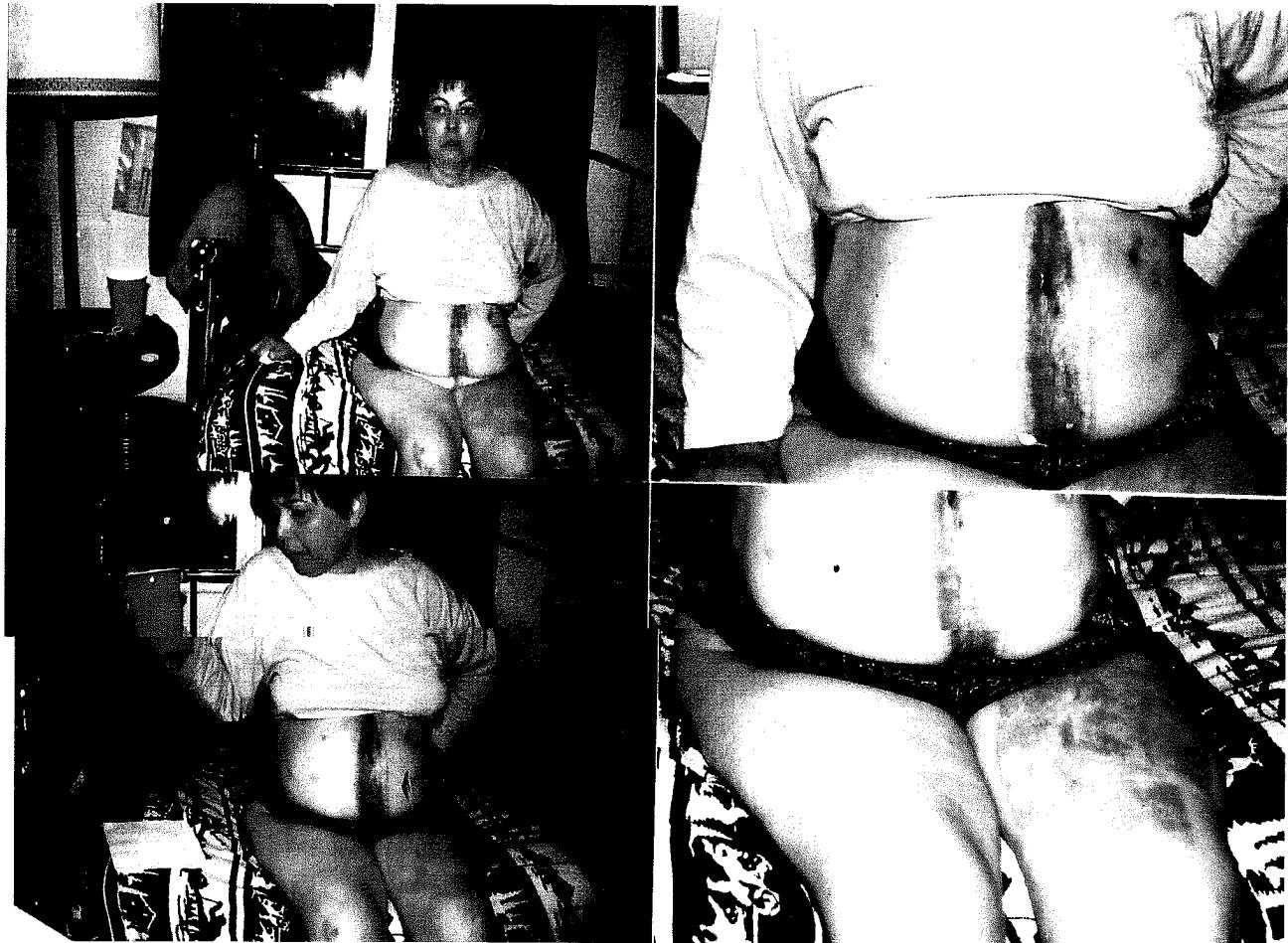
1 use her artistic talents. When Renee contracted Lymes disease her college
2 plans had to be abandoned.
3

4 Renee went to work at a plant nursery to support her daughters and
5 grandchildren. She had thyroid problems which resulted in weight gain and
6 high blood pressure. Her doctor recommended a gastric by-pass surgery
7 because of the risks of early death from these symptoms. Both her mother
8 and grandmother passed away in their early 50's from heart failure. Renee
9 chose to have the gastric by-pass but the doctor had difficulty performing the
10 surgery Laparoscopicly, and opened up her entire abdomen. At the close of
11 the surgery, a needle was missing from the count but the doctor declined to
12 open her up again.
13

14 Three days later, after a high fever and continual vomiting, her
15 abdomen "blew up" from an infection caused by food leaking into her
16 abdomen from the botched surgery. She was taken back to the hospital
17 where a four-and-a-half month induced coma was prescribed while her
18 abdomen was kept open. She nearly died.
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SENTENCING MEMORANDUM
OF CLINTON HALBERT - 11

JOHN P. NOLLETTE
Attorney at Law
1403 W. Broadway Ave.
Spokane, WA 99201
Ph: (509) 701-0566



Renee in 2003 following botched
gastric by-pass surgery.

But her will to live and a new doctor's care brought her through the worst. She endured 39 surgeries to remove her stomach and rotting intestines and to remove her gall bladder. With no stomach, her body cannot process food well. She is on a strict diet and lives in constant pain. Renee was prescribed more and more morphine to manage the constant pain. She knew the morphine was affecting her relationships with her family and chose to overcome the addiction.

SENTENCING MEMORANDUM
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JOHN P. NOLLETTE
Attorney at Law
1403 W. Broadway Ave.
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1 A friend, now deceased, introduced Renee to marijuana in a brownie
2 one day, to help stimulate her appetite and relax her abdomen to accept food.
3 She was amazed at the effect the marijuana had on her pain and her appetite.
4 She sought out and was prescribed medical marijuana from the head of
5 surgery at OHSU as a pain relief and to help her take in food.
6

7 When Renee and Clint were re-introduced and decided to live together
8 at Clint's property in Kettle Falls, Renee sold her home in Battleground and
9 moved to Kettle Falls.
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12 Clint Halbert, Renee
13 and Clint's grandson.
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19 Renee also moved her medicine to the property. The same friend who had
20 helped her set up the growing operation in Battleground, helped her set up
21 the growing operation in Kettle Falls. Clint became Renee's significant
22 other as well as her full-time, state approved care giver and as such, became
23 her helper in growing the medicine Renee needs everyday just to survive.
24
25 Clint Halbert asks the court to consider the collateral consequence of the loss
26

1 of his license as a care-giver as well as the income it provided to Clint and
2 Renee. Loss of employment is a permissible factor for the court to consider
3 at sentencing. *See Koon v. United States*, 518 U.S. 81, 110 (1996). Clint
4 Halbert will never be able to be employed as a care-giver licensed by any
5 state. Consideration of this fact is consistent with § 3553(a)'s directive that
6 the sentence reflect the need for 'just punishment' and 'adequate deterrence.'
7 (citing 18 U.S.C. § 3553(a)(2)(A) & (B)).

8
9
10 Clint realized he wanted to spend the rest of his life with Renee.
11 When she told Clint she could not be close to anyone who was an alcoholic,
12 he stopped drinking and smoking cigarettes immediately and hasn't relapsed
13 in nearly five years. Clint wanted Renee to be financially stable. Renee
14 wanted to honor an old debt Clint's mother had given her mother so Renee
15 repaid Clint from money she received from the sale of her home. She came
16 to Clint's pole barn/shop in which he had been living in Kettle Falls and
17 immediately began construction to make it beautiful home. She gave
18 consideration to the fact that she often has to move around in a wheel chair
19 because of her health so the layout is open and airy.
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Clint and Renee's home in
Kettle Falls, WA

Renee has many beautiful antiques and furnishings which she moved into the house, transforming the pole barn/shop into a home. She is an avid gardener, which is also therapeutic for her.

She and Clint married in a 2006 ceremony in Kettle Falls with their families and friends around them.



As much as Clint depends on Renee, she also depends on Clint. Her

1 health is fragile. Renee's post-polio syndrome leaves her weak. Because of
2 this she must use a cane or wheelchair most of the time. It is nearly
3 impossible for her to eat many things because her lack of stomach and
4 intestines. She has constant pain, and throws up, experiences dumping
5 syndrome, and has difficulty breathing. After the botched surgery for
6 stomach by-pass, a year in the hospital, heart attacks, mini-strokes and other
7 medical issues, she is in constant pain and needs 24 hour a day care.
8

9
10 Gall v. United States, 128 S. Ct. 586 (2007) discusses the collateral
11 consequences of compelling family circumstances where family members
12 will be badly hurt if no one is available to take care of them. This
13 extraordinary family circumstance should be considered in determining an
14 appropriate sentence. Clint Halbert requests this court consider probation as
15 an alternative to a prison sentence. Prison is not necessary to satisfy the
16 purposes of punishment for the defendant, in part because Renee depends on
17 Clint financially with income as her state paid care-giver, for her tenuous
18 health and emotional well-being. A prison sentence for Clint would harm
19 Renee without adding significantly to punishment or deterrence. United
20 States v. Leon, 314 f.3D 928, 2003 U.S. App. Lexis 17911; United States v.
21 Pena, 2010 U.S. App. Lexis 16047 (9th Cir. Cal. Aug. 2, 2010); United States
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v. Menyweather, 431 F.3d 692, 2005 U.S. App. Lexis 27760 (9th Cir. Cal. 2005); United States v. Galante, 111 F.3d 1029; 1997 U.S. App. LEXIS 9602.

U.S.C.S. Appx § 5H1.6 allows a sentencing court to determine whether the circumstances related to family ties and relationships are extraordinary. The Guidelines do not bar it from considering them as a basis for a downward departure. *See United States v. Sharpsteen*, 913 F.2d 59, 63 (2d Cir. 1990); *see also United States v. Londono*, 76 F.3d 33, 36 (2d Cir. 1996) ("...courts of appeal have recognized that a defendant's familial responsibilities may present such 'extraordinary circumstances' that a downward departure in sentencing is necessary and permissible."); *United States v. Johnson*, 964 F.2d 124, 129 (2d Cir. 1992). ("Section 5H1.6's phrasing confirms the Commission's understanding that ordinary family circumstances do not justify departure, but extraordinary family circumstances may.").

The chief of surgery at Oregon Health & Science University (OHSU), Dr. Deveney, has been Renee's doctor for years. He had provided this court with his recommendations regarding Renee's continued health. Dr. Deveney initially prescribed medical marijuana to help Renee alleviate her pain and

1 the need for more and more morphine. Her local doctor in Colville concurs
2 with Renee's need for medical marijuana. Renee's friend set up the root
3 cellar, which Clint's son Eric had outfitted for growing marijuana, as a green
4 house for the papayas and other vegetables that Renee can eat on her special
5 diet and Renee and Clint gradually began growing the plants there for
6 Renee's medical needs. Clint did not sell the marijuana nor did he grow an
7 excessive amount. Since Renee's prescription calls for her to consume the
8 medicine, she has to use more than someone who smokes the medicine.
9 Under Washington state law, WAC 246-75-010, the two felt they were not
10 growing illegally and used the medicine as prescribed by her doctors for her
11 health.



22 Clint Halbert, Renee Delk and their
23 extended family

24 Clint, also, has a medical marijuana prescription because of his back
25 problems, a pinched nerve and severe depression. Although the witness in
26

1 this matter states he purchased marijuana, Clint denies having anything to do
 2 with him as he was the boyfriend of Clint's ex-wife. Clint did not have him
 3 in his home for dinner or any other reason. He did not smoke marijuana
 4 with him at any time nor did he sell to him or direct anyone else to sell to
 5 him.
 6

7 Words cannot express the remorse Clint feels for having caused the
 8 unbelievable harm to his wife, Renee, his children, grandchildren and all of
 9 his friends.
 10

11
 12 Clint with his
 13 grandson
 14 2009
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 16



17 Clint feels that what they were doing was legal under Washington state law
 18 but now knows that it is not recognized federally. He feels his whole family
 19 has suffered for his lack of good judgment.
 20



21
 22
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 24
 25
 26 Renee
 December 2010

SENT
 OF CLINTON HALBERT - 19

JOHN P. NOLLETTE
 Attorney at Law
 1403 W. Broadway Ave.
 Spokane, WA 99201
 Ph: (509) 701-0566

1
2 Clint agonizes over the fact that his wife could lose her home if the
3 property is forfeited and the fact that his actions have caused her so much
4 stress that it has put her health in even graver danger. Since his arrest he has
5 attended AA and feels the 12 step program is the best thing that could ever
6 have happened to him. He is finally free of the prescription drugs he took
7 for years for depression and feels clearer in his thinking and relationships
8 than he has in a very long time. Clint Halbert understands that what he did
9 was not legal under federal law and he accepts responsibility for his actions.
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14 Dated this 13th day of January, 2011.
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Respectfully submitted,

/s/John P. Nollette

John P. Nollette

Attorney for Clint Halbert

1
2 CERTIFICATION
3

4 I hereby certify that on the 13th day of January, 2011, I electronically filed the
5 foregoing with the Clerk of the Court using the CM/ECF System which will send
6 notification of such filing to the following, and/or I hereby certify that I have
7 mailed by United States Postal Service the document(s) to the following non-
8 CM/ECF participant(s)

9
10 Thomas J. Hanlon
11 Assistant United States Attorney
12 402 E. Yakima Ave., Suite 210
13 Yakima, WA 98901-2760

14
15 Frank Cikutovich
16 Attorney at Law
17 1403 W. Broadway Ave.
18 Spokane, WA 99201

19 /s/John P. Nollette
20

21 Attorney for Clint Halbert
22
23
24
25
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